

**EXHIBIT A**

## James M. Robinson

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**From:** James M. Robinson  
**Sent:** Wednesday, April 09, 2008 4:59 PM  
**To:** 'tom.kuhnle@bingham.com'; 'kristen.pezone@bingham.com'  
**Cc:** Gregory S. Cavallo  
**Subject:** Masters v. Boston Scientific Corp.

Mr. Kuhnle:

I am writing to request that your client agree to allow us to propound 15 additional interrogatories. Based on your client's responses to our first set of interrogatories, we believe it is necessary to both reformulate a few of our prior requests and to ask some new requests.

As you pointed out in your responses to our prior Interrogatory Nos. 26 and 27, under FRCP Rule 33, each party is permitted to ask no more than 25 interrogatories. The Court's scheduling order made no reference to a limit on interrogatories. Rather than seek permission from Magistrate Judge Howard R. Lloyd, we hope that you will stipulate to our request. We will, of course, reciprocate your professional courtesy.

Best regards,

James Robinson

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James Murray Robinson | Shopoff & Cavallo LLP | [www.shopoffcavallo.com](http://www.shopoffcavallo.com)  
505 Sansome Street | Suite 1505 | San Francisco, California | 94111  
[james@shopoffcavallo.com](mailto:james@shopoffcavallo.com) | t 415.984.1975 | f 415.984.1978

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**EXHIBIT B**

## James M. Robinson

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**Sent:** Thursday, April 10, 2008 4:22 PM  
**To:** James M. Robinson; Pezone, Kristen M.  
**Cc:** Gregory S. Cavallo  
**Subject:** RE: Masters v. Boston Scientific Corp.

James:

Could you give us a little better idea of what sorts of interrogatories you have in mind? I am not sure mere "reformulation" meets the "good cause" standard, but I am willing to keep an open mind.

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**Sent:** Wednesday, April 09, 2008 4:59 PM  
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**To:** 'Kuhnle, Tom'; Pezone, Kristen M.  
**Cc:** Gregory S. Cavallo  
**Subject:** RE: Masters v. Boston Scientific Corp.  
**Attachments:** Interrogatories, Set TWO.pdf

Mr. Kuhnle:

Sure, I can do that. Attached is the current draft of the additional interrogatories we would like to serve on your client. Please let me know whether you are agreeable to our request by no later than Monday, April 14, 2008.

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**EXHIBIT D**

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**Sent:** Sunday, April 13, 2008 9:17 PM  
**To:** James M. Robinson; Pezone, Kristen M.  
**Cc:** Gregory S. Cavallo  
**Subject:** RE: Masters v. Boston Scientific Corp.

James:

I am just looking at these tonight, and will need to get client input, which typically takes a few days. I will get back to you as soon as I can, though I suspect it will be mid-week.

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**EXHIBIT E**

**James M. Robinson**

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**From:** James M. Robinson  
**Sent:** Wednesday, April 16, 2008 6:27 PM  
**To:** 'Kuhnle, Tom'  
**Subject:** RE: Masters v. Boston Scientific Corp.

Mr. Kuhnle-

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**EXHIBIT F**

**James M. Robinson**

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**From:** Kuhnle, Tom [tom.kuhnle@bingham.com]  
**Sent:** Thursday, April 17, 2008 9:32 AM  
**To:** James M. Robinson  
**Cc:** Pezone, Kristen M.  
**Subject:** RE: Masters v. Boston Scientific Corp.

James:

We still haven't heard back from our client. We will respond, one way or the other, by the close of business tomorrow. We apologize for the delay.

---

**From:** James M. Robinson [mailto:james@shopoffcavallo.com]  
**Sent:** Wednesday, April 16, 2008 6:27 PM  
**To:** Kuhnle, Tom  
**Subject:** RE: Masters v. Boston Scientific Corp.

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**EXHIBIT G**

**James M. Robinson**

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**Sent:** Friday, April 18, 2008 3:32 PM  
**To:** James M. Robinson  
**Cc:** Pezone, Kristen M.; Gregory S. Cavallo  
**Subject:** RE: Masters v. Boston Scientific Corp.

James:

At present, we cannot agree to respond to the draft interrogatories. The Federal Rules of Civil Procedure prescribe a limit of 25 interrogatories. Your initial set of interrogatories were not particularly economical, and the draft second set shares that trait. Some in the second set pose questions to which we have already responded, while others simply don't make sense (interrogatory 45, for example, cross-references itself). While we are not inclined to stipulate to interrogatories beyond what is prescribed in the Federal Rules, we suggest that the parties revisit this issue after the settlement conference, at which time both sides will better understand their respective positions and it may be possible to efficiently exchange key bits of missing information.

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**From:** Kuhnle, Tom [mailto:tom.kuhnle@bingham.com]  
**Sent:** Sunday, April 13, 2008 9:17 PM  
**To:** James M. Robinson; Pezone, Kristen M.  
**Cc:** Gregory S. Cavallo  
**Subject:** RE: Masters v. Boston Scientific Corp.

James:

I am just looking at these tonight, and will need to get client input, which typically takes a few days. I will get back to you as soon as I can, though I suspect it will be mid-week.

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**From:** James M. Robinson [mailto:[james@shopoffcavallo.com](mailto:james@shopoffcavallo.com)]  
**Sent:** Thursday, April 10, 2008 5:04 PM  
**To:** Kuhnle, Tom; Pezone, Kristen M.  
**Cc:** Gregory S. Cavallo  
**Subject:** RE: Masters v. Boston Scientific Corp.

Mr. Kuhnle:

Sure, I can do that. Attached is the current draft of the additional interrogatories we would like to serve on your client. Please let me know whether you are agreeable to our request by no later than Monday, April 14, 2008.

Thank you for your cooperation.

Best regards,

James Robinson

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James Murray Robinson | Shopoff & Cavallo LLP | [www.shopoffcavallo.com](http://www.shopoffcavallo.com)  
505 Sansome Street | Suite 1505 | San Francisco, California | 94111  
[james@shopoffcavallo.com](mailto:james@shopoffcavallo.com) | t 415.984.1975 | f 415.984.1978

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**From:** Kuhnle, Tom [mailto:[tom.kuhnle@bingham.com](mailto:tom.kuhnle@bingham.com)]  
**Sent:** Thursday, April 10, 2008 4:22 PM  
**To:** James M. Robinson; Pezone, Kristen M.  
**Cc:** Gregory S. Cavallo  
**Subject:** RE: Masters v. Boston Scientific Corp.

James:

Could you give us a little better idea of what sorts of interrogatories you have in mind? I am not sure mere "reformulation" meets the "good cause" standard, but I am willing to keep an open mind.

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**From:** James M. Robinson [mailto:[james@shopoffcavallo.com](mailto:james@shopoffcavallo.com)]  
**Sent:** Wednesday, April 09, 2008 4:59 PM  
**To:** Kuhnle, Tom; Pezone, Kristen M.  
**Cc:** Gregory S. Cavallo  
**Subject:** Masters v. Boston Scientific Corp.

Mr. Kuhnle:

I am writing to request that your client agree to allow us to propound 15 additional interrogatories. Based on your client's responses to our first set of interrogatories, we believe it is necessary to both reformulate a few of our prior requests and to ask some new requests.

As you pointed out in your responses to our prior Interrogatory Nos. 26 and 27, under FRCP Rule 33, each party is permitted to ask no more than 25 interrogatories. The Court's scheduling order made no reference to a limit on interrogatories. Rather than seek permission from Magistrate Judge Howard R. Lloyd, we hope that you will stipulate to our request. We will, of course, reciprocate your professional courtesy.

Best regards,

James Robinson

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505 Sansome Street | Suite 1505 | San Francisco, California | 94111  
[james@shopoffcavallo.com](mailto:james@shopoffcavallo.com) | t 415.984.1975 | f 415.984.1978

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